

MAINE BOARD OF FUNERAL SERVICES

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In re: H. LEE LAMSON and	)	
LAMSON FUNERAL HOME	)	CONSENT AGREEMENT
	)	
Case No.: 2022-FUN-18051	)	
_____	)	

INTRODUCTION

This Consent Agreement is between H. Lee Lamson, ("Mr. Lamson"), Lamson Funeral Home, the Maine Board of Funeral Services ("the Board"), and the Office of the Maine Attorney General ("the Attorney General"). The parties consent to this Agreement, pursuant to 10 M.R.S. § 8003 (5 - A)(C).

STATEMENT OF FACTS

1. The Board initially licensed Mr. Lamson, PR9384, as a Funeral Practitioner on December 19, 1995.
2. Mr. Lamson is the licensee in charge for Lamson Funeral Homes, Inc., License numbers HO10110, HO10111, HO11074, and HO11075.
3. On February 1, 2022, a complaint was filed against Mr. Lamson by the Complainant ("Complainant"), as their phone calls were not being returned.
4. Person A was interred on May 1, 2021, and Mr. Lamson told the family he would notify them when the stone was to be set.

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5. On July 12, the Complainant received notice from Veterans Affairs that the stone had been ordered and would arrive in four to six weeks.
 6. The Complainant called Mr. Lamson five times between September 13, 2021, and October 12, 2021. Mr. Lamson never returned their calls.
 7. On January 21, 2022, the Complainant called Mr. Lamson to see if they would receive a final invoice. The family never received a return phone call.
 8. On April 7, 2022, Mr. Lamson submitted his response, in which he acknowledged that he received a number of calls during the summer and fall from the Complainant regarding the stone.
 9. Mr. Lamson stated that the stone was ordered in a timely fashion and that in late October or early November 2021, they set the stone as a courtesy to the family and out of respect for the service of the deceased veteran. Mr. Lamson stated that because this service was done as a courtesy, it took place when time permitted. Mr. Lamson acknowledged that ideally the stone would have been set earlier but that he was shorthanded due to heavy workloads and staff shortage due to sickness and attrition. He reported being very busy during this timeframe.
 10. Mr. Lamson states in response to the final billing that he received calls in January of 2022 and did not realize that the final billing had not been sent out until he returned the phone call. He indicated that it was an oversight due to

the overall business of the spring burial season. Mr. Lamson stated that he was working on the billing when he received the complaint and felt it inappropriate to mail with the complaint already in process. Mr. Lamson indicated that he missed the four-month period of time to bill the estate and would absorb the additional costs.

11. On April 15, 2022, the Complainant submitted his reply to the Mr. Lamson's response and stated that he was not surprised to see Mr. Lamson did not address the reasons why he never returned his calls and that he simply wanted to be at the grave when his father's stone was set.
12. Mr. Lamson acknowledges that he has the right to dispute the allegations of the complaint at an adjudicatory hearing but wishes to resolve this matter voluntarily by accepting the terms in this consent agreement.

COVENANTS

13. Mr. Lamson admits to the Facts as stated above and further admits that such conduct constitutes grounds for the Board to impose discipline on his license pursuant to:
 - a. Title 10 of the Maine Revised Statutes, Section 8003(5-A)(A)(2), specifically a violation of Board Rules Chapter 15, Code of Ethics, Accurate and Precise Information (02-331 C.M.R. ch. 15, §1), which
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requires that Licensees have a duty to provide the public with accurate and precise information.

DISCIPLINARY COVENANTS

14. As discipline for the violations admitted to above, Mr. Lamson agrees accept the following DISCIPLINARY ACTION:

a. Mr. Lamson's license shall be on probation for one (1) year. During that time, Mr. Lamson shall take a three (3) credit course in Ethics, which may be taken online and may not be counted towards any additional CE requirement.

b. Pay a **CIVIL PENALTY of \$750** to be paid no later than 30 days after the last dated signature on this fully executed consent agreement.

Payment shall be directed to Jessica D. Farnham, Complaint Coordinator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta ME 04330-0035.

15. Violation of any of the terms or conditions of this Agreement by Mr. Lamson shall constitute a violation of 10 M.R.S. § 8003(5-A)(A)(9) and shall be grounds for discipline.

16. Mr. Lamson waives his right to an adjudicatory hearing before the Board or any court regarding all facts, terms, and conditions of this Consent Agreement. Mr.

Lamson agrees that this Consent Agreement is a final order resolving Complaint No. 2021-FUN-18051.

17. The Board and Mr. Lamson agree that no further agency or legal action will be initiated against him by the Board based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Mr. Lamson. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Mr. Lamson.
18. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement.
19. This Agreement cannot be modified orally. It can only be modified by writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Requests for modification or amendment of this Consent Agreement must be made in writing and submitted to the Board. The Board may deny such a request, grant such a request, or grant such a request in part. A Board decision regarding a request to modify or amend this Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.

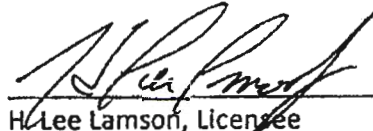
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20. The Board and the Office of the Attorney General may communicate and cooperate regarding Mr. Lamson's practice or any other matter relating to this Agreement.
 21. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.
 22. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
 23. Mr. Lamson acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement, that he has executed this Agreement of his own free will, and that he agrees to abide by all the terms and conditions set forth in this Agreement.
 24. This Consent Agreement may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.
 25. Terms of this Consent Agreement constitute the entire agreement between and among the parties.
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26. If any provision of this Consent Agreement is for any reason determined to be invalid, the effectiveness and enforceability of all other provisions of the Consent Agreement shall not be affected by such determination.
 27. If Mr. Lamson or his counsel fails to date, sign, and return this Consent Agreement to the Board for receipt within 30 days of receipt the Board will resolve all of the above pending complaint by holding a public, adversarial adjudicatory hearing.
 28. This Consent Agreement becomes effective on the date that the last signature is affixed to this agreement.
 29. Mr. Lamson acknowledges that if he or his duly authorized counsel signs this agreement, that he acknowledges that he has read this Consent Agreement, that he has had an opportunity to consult an attorney before signing this Consent Agreement, that he signed this Consent Agreement of his own free will and without undue influence of any kind from any person, and that he agrees to abide by all terms and conditions set forth herein.

Signature Page to follow

Dated:

06/27/2022



H. Lee Lamson, Licensee
Individually and on behalf of
Lamson Funeral Homes

Dated: Jul 12, 2022

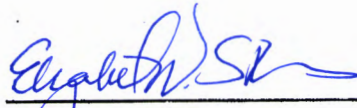


Chad Poitras (Jul 12, 2022 08:30 EDT)

Chad Poitras
Board Chairperson

Dated:

7-12-22



Elizabeth W. Stivers
Assistant Attorney General